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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,384	07/01/2005	Ichiro Takei	P28120	6305

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/541,384	Applicant(s) TAKEI ET AL.	
	Examiner Nam Huynh	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/06/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-4, 6, 8, 12, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsutsumi et al. (US 2003/0186724).

A. Regarding claims 1, Tsutsumi et al. discloses a base station (media transmission apparatus) for a wireless local area network that comprises a controller that judges the priority of the received data by referring to a priority data table. Based on this judgment the data is classified as priority (high-necessity/first data) or non-priority (low-necessity/second data). The data is then stored in a respective priority and non-priority queue of a buffer (storage) (page 5, paragraphs 72-73). A transmission controller (transmission manager) determines the transmission time (transmission cycle) of the priority and non-priority data and then transmits the data buffered by the priority queue preceding (separately) to the transmission of the data buffered by the non-priority queue, wherein the priority data is transmitted at a constant (repeatedly) interval (page 5, paragraph 77).

Art Unit: 2617

B. Regarding claims 3-4, Tsutsumi et al. discloses that the data buffered in the respective priority queues are transmitted according to a predetermined amount (data size) (page 6, paragraph 96). It is inherent that summary data would indicate a lower size and detailed data would indicate a larger data size.

C. Regarding claim 6, Tsutsumi et al. discloses that the data comprises a header that further comprises a priority bit (identifier) in which the controller judges the priority (page 6, paragraph 88).

D. Regarding claims 8 and 12, Tsutsumi et al. discloses a radiotelephone (media data reception apparatus) that comprises a controller (storage manager) that judges (associates) a priority of data by referring to a priority data table and transmits the priority data to the respective priority (first data) or non-priority (second data) queue (page 9, paragraph 135). An output controller and application processes the data stored in the queues (page 8, paragraphs 124-125).

E. Regarding claim 15, the limitations are rejected as applied to claims 1 and 8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 2617

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (US 2003/0186724) in view of Sharony et al. (US 6,925,094).

A. Regarding claim 2, Tsutsumi et al. discloses the limitations set forth in claim 1, but does not explicitly disclose that the transmission time is based on the size of an area to which the data is distributed. Sharony et al. discloses a system and method for wireless network channel management (title). In the scope of the invention, a wireless access point determines a priority level for each data packet and appends them to a data stream queue corresponding to the priority level and a destination (area) of each data packet. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the base station of Tsutsumi et al. to classify the data to be transmitted by destination of each packet, as taught by Sharony et al, in order to manage the bandwidth of the network to provide a high data rate for broadband applications without comprising error rates.

B. Regarding claim 7, Tsutsumi et al. discloses that the data transmitted by the base station is continuous, such as voice and moving picture (page 6, paragraph 87). It is further obvious to one of ordinary skill in the art that a map that is transmitted in a wireless network is an electronic image, and therefore the invention of Tsutsumi et al. can perform this function.

6. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (US 2003/0186724) in view of Matsuyama et al. (US 6,990,583).

Tsutsumi et al. discloses the limitations set forth in claim 1, but does not explicitly disclose that the data is assigned an electronic signature and public key certificate. Matsuyama et al discloses a public key encryption data communication system in which public key certificates include an electronic signature field (column 4, lines 9-12). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the base station of Tsutsumi et al., to include electronic signatures and public key certificates, as taught by Matsuyama et al., in order to verify a user and issuance of data. This modification also provides a security system in data transfer.

7. Claims 9-10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsumi et al. (US 2003/0186724) in view of Kokubo (US 2003/0119562).

A. Regarding claims 9 and 13, Tsutsumi et al. discloses the limitations set forth in claims 8 and 12, but does not explicitly disclose that operation is halted for receiving the data from the base station. Kokubo discloses task display switching method for a portable apparatus (title). In the scope of the invention, when a call is received, the software is switched (halted) from the current operating software to the telephone software in order to process the call (page 7, paragraph 116). Although Kokubo states the switching operation is performed when a call is received, one of ordinary skill in the art would recognize that a reception of data would be equivalent since in both cases, a

Art Unit: 2617

signal is received by the telephone. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the radiotelephone of Tsutsumi et al., to include the ability to switch the current operating software to the data receiving software, as taught by Kokubu, in order to allow a user to resume the application that was in operation before data reception.

B. Regarding claims 10 and 14, Kokubu et al. discloses a busy icon that notifies the user that he is in the middle of a call, or "receiving data" (page 7, paragraph 116).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
9/20/06


GEORGE ENG
SUPERVISORY PATENT EXAMINER